

IN THE DRAWINGS

Please amend Fig. 2F by revising two lines as indicated in the accompanying figure.

Attachment: Replacement Sheet

REMARKS

Claims 1, 9, 15-17, and 22 have been canceled. Claims 2-8, 10-14, 18-21, and 23-28 are in this application.

The drawings were objected to under 37 CFR 1.83(a).

In explaining this objection and as best understood, the Examiner stated that the (1) "combination of the second set of lines being spaced differently than the first set of lines" and (2) "the first characteristic being a solid line and the second characteristic being dotted lines" must be shown.

In response to item 1, it is respectfully submitted that such arrangement is already shown in Fig. 2F when read in view of the present application. In this regard, reference is made to line 66 of column 3 to line 1 of column 4 of the present application.

In response to item 2, Fig. 2F has been amended herein. It is respectfully submitted that such amended Fig. 2F when read in view of the present application (for example, line 58 of column 3 to lines 11 of column 4 thereof) shows such feature.

Accordingly, it is respectfully requested that the above objection be withdrawn.

Claims 23-28 were rejected under 35 U.S. C. 112, first paragraph as failing to comply with the written description requirement.

In explaining the above 112 first paragraph rejection, the Examiner stated that the "limitation 'any value up to 2 inches' is of a different scope than what the original disclosure supports" It is respectfully submitted that the present application provides support for such limitation. With regard thereto and as an example, reference is made to

lines 9-11 of the Abstract; lines 62-64 of column 1; lines 17-21, 37-41 and 58-65 of column 3; and lines 44-50 of column 4 of the present application. Accordingly, it is respectfully requested that the above 112 first paragraph rejection be withdrawn.

Claims 5-8, 10, 18-21, 24, 27 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,858,402 (Putz).

Independent claim 8 recites in part the following:

"wherein said number of marks are arranged in first and second sets of substantially parallel lines in which the lines of the first set have a first distance of 2 inches or less therebetween and run in a first direction and are placed from a first end of said panel to a first opposite end thereof in a direction transverse to the extent of said lines of said first set and in which the lines of the second set have a second distance of 2 inches or less therebetween which is different from said first distance and run in a second direction perpendicular to said first direction and are placed from a second end of said panel to a second opposite end thereof in a direction transverse to the extent of said lines of said second set, wherein the first and second sets of substantially parallel lines pertaining to said number of marks are the only lines on said panel." (Emphasis added.)

It is respectfully submitted that Putz as applied by the Examiner does not disclose all of the above-identified features of claim 8. For example, and as acknowledged by the Examiner, such use of Putz does not "provide that the lines are spaced a distance which is 2 inches [or] less. . . ." (See lines 6-7 of page 5 of the present Office Action.)

Additionally, and as recited in claim 8, such lines "are the only lines" on the panel. It is submitted that it would not have been obvious to provide the board of Putz with only the first and second sets of lines as in claim 8 because Putz appears to be specifically designed to providing a marking arrangement for enabling cutting without the use of a ruler.

For reasons similar to those previously described with regard to claim 8, it is also respectfully submitted that independent claims 18, 20, 24, 27, and 28 are also distinguishable from Putz as applied by the Examiner for reasons similar to or somewhat similar to the reasons previously described with regard to claim 8 or for at least some of such reasons.

Claims 5-7, 10, and 21 are dependent from one of independent claims 8, 18, 20, 24, 27, and 28. Accordingly, it is also respectfully submitted that dependent claims 5-7, 10, and 21 are distinguishable from Putz as applied by the Examiner for at least the reasons previously described.

Claims 2-4 and 12-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Putz in view of U.S. Patent No. 4,927,696 (Berg).

Claims 2-4 and 12-14 are dependent from one of independent claims 8 and 20. Accordingly, it is also respectfully submitted that dependent claims 2-4 and 12-14 are distinguishable from Putz as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to rely on Berg to overcome the above-described deficiencies of Putz. Accordingly, it is submitted that claims 2-4 and 12-14 are distinguishable from the applied combination of Putz and Berg.

Claims 23, 25, and 26 were rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent No. 2,270,419 (Debo).

Independent claim 23 recites in part the following:

"wherein said number of marks are arranged in substantially parallel lines having a distance which has any value up to 2 inches therebetween." (Emphasis added.)

It is respectfully submitted that Debo as applied by the Examiner does not disclose all of the above-identified features of claim 23. For example, and as acknowledged by the Examiner, Debo does not "provide that the lines are spaced a distance which has any value up to 2 inches there between." (See section 10 of page 7 of the present Office Action.) It is also submitted that it would not have been obvious to arrange the dots of Debo with the spacing specifically recited in claim 23. That is, Debo appears to specifically illustrate the arrangement in which dots are placed in lines which correspond to only the standard locations of studs or beams (ie., 16 inches or 24 inches on center).

The Examiner stated that there was no supplemental declaration with the 08/03/09 amendment.

The supplemental declaration was submitted with a supplemental amendment mailed on February 15, 2008. Another copy of such declaration accompanies this amendment.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objection and rejections of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that

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such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 12, 2010

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